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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/899,962 | 07/06/2001 | Ali N. Saleh | M-9838 US | 4375 |
| 33031 | 7590 | 09/23/2004 | EXAMINER | |
| CAMPBELL STEPHENSON ASCOLESE, LLP 4807 SPICEWOOD SPRINGS RD. BLDG. 4, SUITE 201 AUSTIN, TX 78759 | | | PATEL, DHAIRYA A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2151 | |

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/899,962 | SALEH ET AL. | |
| | Examiner | Art Unit | |
| | Dhairya A Patel | 2151 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Application Number 09/899,962 was filed on July 6, 2001. Claims 1-40 are subject to examination.

Specification

2. The disclosure is objected to because of the following informalities: Different parts with same reference number.

Appropriate correction is required.
3. In the specification, on Page 21 line 6-25, it is referring to computer system as "810" and also internetwork as "810". According to the Fig. 8, Computer system is "710" and Internetwork is "810". Change the reference number for the computer system in the specification as "710". Appropriate change is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4-5,7-8,12-13,15-16,20-21,23-24,28-29,31-32, 36-37,39-40 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the claims mentioned above, the applicant is stating, "an alternative route is based on class of service requirements". It is unclear to the examiner as to the meaning of "based on class of service requirements". In the specification, the applicant does not mention anything about "class of service requirements".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-40 are rejected under 35 U.S.C. 102(b) as being unpatentable by

Arslan et al. (U.S. Patent # 5,444,693) (hereinafter Arslan).

6. As per claim 1, Arslan teaches a method for restoring a path in a communication system between zones comprising:

-establishing an inter-zone link with a first border node of source zone (column 3 line 21-22) with a second border node of an adjacent destination zone (column 3 lines 20-23);

Interzone link in this case is referred to as links 113-3 through 113-6, which connects DACS II (first border node) of the source zone, which comprises of (DACS II 110-1 to 110-3) to DACS IV (second border node) of an adjacent destination zone, which comprises of (DACS IV 2000 109-1 to 109-6).

-identifying an inter-zone link failure (column 7 line 7-9) between source zone and the adjacent destination zone (column 7 lines 7-24);

Identifying interzone link failure is the link 113-5 which connects DACS II 110-3 (source zone) to DACS IV-2000 109-2 (adjacent destination zone). Identifying the link has failed an alarm gets triggered indicating at least a portion of a particular circuit has failed (column 7 lines 10-18).

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-identifying a pre-planned alternative route (column 11 lines 62-69).

Identifying a pre-planned alternative route is stated in column 11 lines 62-66 when the search message-specifying route 2 (which being the alternative route) is updated.

-informing a source/destination node of the adjacent destination zone; (column 11 lines 65-69).

When route 2 is picked as the alternative route DACS III-2000 107-2 (source node of the adjacent destination zone) and DACS II 110-2 (destination node of the adjacent destination zone).

-informing a node of the source zone of the preplanned alternative route; and (column 11 lines 65-69).

Since DACS II 110-2 is being updated about the preplanned alternative route, DACS II 110-2 is a node of the source zone since all DACS II's make up a source zone.

-providing communication between the pre-planned alternative route between destination zone and the source zone. (column 14 lines 55-63).

The communication between pre-planned alternative route is providing when it send a valid search message and also when restoration processor 115-10 checks DACS II 110-2 for an available digroup and channel that connect back to DACS IV-2000 109-3 via link 113-4. It also states first step to restore the circuit is to continue DACS IV-2000 109-1 (destination zone) via link 111-10 to DACS II 110-3 (source zone) via link 113-6.

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7. As per claim 2, Arslan teaches a method of claim 1 further comprising:

-Routing the preplanned alternative route through a transit zone. (column 11 lines 47-50).

Routing the preplanned alternative route (route 2) through a transit zone (DACS III-200 107-2 is in a transit zone) and since route 2 goes through DACS III-2000 107-2.

8. As per claim 3, Arslan teaches a method of claims 2 further comprising:

-requesting new paths to be established between zone. (column 14 lines 58-61).

When restoration processor checks DACS II 110-2 for an available digroup and channel to connect back to DACS IV-2000 109-3 via link 113-4, it is referring to new path (link 113-4) between zone (since DACS IV and DACS II belong in different zone).

9. As per claim 4-5,7-8, Arslan teaches the method of claim 3 wherein the alternative route is based on class of service requirements (column 11 lines 53-68).

It is unclear to the examiner what the applicant means by "alternative route based on class of service requirements." The examiner's interpretation towards "class of service requirements" is that it checks for the possible available alternative route when the link failure occurs. It picks the best alternative route based on the cost of the going through the particular route. For example if the cost of going to through Route 1 is more than Route 2 than the alternate route would be Route 2 since the cost is less than of Route 1. Therefore, the following claim is rejected under this basis. (column 11 lines 53-68).

10. As per claim 6, Arslan teaches the method of claim 1 further comprising:

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-establishing new paths(column 15 line 8) to be established between zones.(column 15 lines 8-15).

11. As per claim 9, Arslan teaches a network element (column 3 line 59) configured to restore a path in a communication system between zones comprising:

A processor (column 3 lines 57-61) configured to:

-establish an inter-zone link with a first border node of source zone (column 3 line 21-22) with a second border node of an adjacent destination zone (column 3 lines 20-23);

Interzone link in this case is referred to as links 113-3 through 113-6, which connects DACS II (first border node) of the source zone, which comprises of (DACS II 110-1 to 110-3) to DACS IV (second border node) of an adjacent destination zone, which comprises of (DACS IV 2000 109-1 to 109-6).

-identify an inter-zone link failure (column 7 line 7-9) between source zone and the adjacent destination zone (column 7 lines 7-24);

Identifying interzone link failure is this is the link 113-5 which connects DACS II 110-3 (source zone) to DACS IV-2000 109-2 (adjacent destination zone). Identifying the link has failed an alarm gets triggered indicating at least a portion of a particular circuit has failed (column 7 lines 10-18).

-identify a pre-planned alternative route (column 11 lines 62-69).

Identifying a pre-planned alternative route is stated in column 11 lines 62-66 when the search message-specifying route 2 (which being the alternative route) is updated.

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-inform a source/destination node of the adjacent destination zone; (column 11 lines 65-69).

When route 2 is picked as the alternative route DACS III-2000 107-2 (source node of the adjacent destination zone) and DACS II 110-2 (destination node of the adjacent destination zone).

-inform a node of the source zone of the preplanned alternative route; and (column 11 lines 65-69).

Since DACS II 110-2 is being updated about the preplanned alternative route, DACS II 110-2 is a node of the source zone since all DACS II's make up a source zone.

-provide communication between the pre-planned alternative route between destination zone and the source zone. (column 14 lines 55-63).

The communication between pre-planned alternative route is providing when it send a valid search message and also when restoration processor 115-10 checks DACS II 110-2 for an available digroup and channel that connect back to DACS IV-2000 109-3 via link 113-4. It also states first step to restore the circuit is to continue DACS IV-2000 109-1 (destination zone) via link 111-10 to DACS II 110-3 (source zone) via link 113-6.

12. As per claim 10, Arslan teaches the network element of claim 9, wherein the processor (column 3 lines 57-61) is further configured to route the preplanned alternative route through a transit zone. (column 11 lines 33-50).

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Routing the preplanned alternative route (route 2) through a transit zone (DACS III-200 107-2 is in a transit zone) and since route 2 goes through DACS III-2000 107-2.

13. As per claim 11, Arslan teaches the network element of claims 10 wherein the processor(column 3 lines 57-61) is further configured to:

-request new paths to be established between zone. (column 14 lines 58-61).

When restoration processor checks DACS II 110-2 for an available digroup and channel to connect back to DACS IV-2000 109-3 via link 113-4, it is referring to new path (link 113-4) between zone (since DACS IV and DACS II belong in different zone).

14. As per claim 12-13,15-16, Arslan teaches the network element of claim 11 wherein the alternative route is based on class of service requirements (column 11 lines 53-68).

It is unclear to the examiner what the applicant means by "alternative route based on class of service requirements.". The examiner's interpretation towards "class of service requirements" is that it checks for the possible available alternative route when the link failure occurs. It picks the best alternative route based on the cost of the going through the particular route. For example if the cost of going to through Route 1 is more than Route 2 than the alternate route would be Route 2 since the cost is less than of Route 1. Therefore, the following claim is rejected under this basis. (column 11 lines 53-68).

15. As per claim 14, Arslan teaches the network element of claim 9 wherein the processor (column 3 lines 57-61) is further configured to:

-establish new paths(column 15 line 8) to be established between zones.(column 15 lines 8-15).

16.As per claim 17, Arslan teaches a computer system comprising:

- a processor(column 3 lines 57-61) (fig. 2) ;
- a computer readable medium (Fig. 2 217) couple to the processor (fig. 2); and
- computer code (Fig. 2 207) encoded in the computer readable medium,

configured to cause the processor to:

- establish an inter-zone link with a first border node of source zone (column 3 line 21-22) with a second border node of an adjacent destination zone (column 3 lines 20-23);

Interzone link in this case is referred to as links 113-3 through 113-6, which connects DACS II (first border node) of the source zone, which comprises of (DACS II 110-1 to 110-3) to DACS IV (second border node) of an adjacent destination zone, which comprises of (DACS IV 2000 109-1 to 109-6).

- identify an inter-zone link failure (column 7 line 7-9) between source zone and the adjacent destination zone (column 7 lines 7-24);

Identifying interzone link failure is this is the link 113-5 which connects DACS II 110-3 (source zone) to DACS IV-2000 109-2 (adjacent destination zone). Identifying the link has failed an alarm gets triggered indicating at least a portion of a particular circuit has failed (column 7 lines 10-18).

- identify a pre-planned alternative route (column 11 lines 62-69).

Identifying a pre-planned alternative route is stated in column 11 lines 62-66 when the search message-specifying route 2 (which being the alternative route) is updated.

-inform a source/destination node of the adjacent destination zone; (column 11 lines 65-69).

When route 2 is picked as the alternative route DACS III-2000 107-2 (source node of the adjacent destination zone) and DACS II 110-2 (destination node of the adjacent destination zone).

-inform a node of the source zone of the preplanned alternative route; and (column 11 lines 65-69).

Since DACS II 110-2 is being updated about the preplanned alternative route, DACS II 110-2 is a node of the source zone since all DACS II's make up a source zone.

-provide communication between the pre-planned alternative route between destination zone and the source zone. (column 14 lines 55-63).

The communication between pre-planned alternative route is providing when it send a valid search message and also when restoration processor 115-10 checks DACS II 110-2 for an available digroup and channel that connect back to DACS IV-2000 109-3 via link 113-4. It also states first step to restore the circuit is to continue DACS IV-2000 109-1 (destination zone) via link 111-10 to DACS II 110-3 (source zone) via link 113-6.

17. As per claim 18, Arslan teaches the computer system of claim 17, wherein the computer code is further configured to cause the processor to:

- route the preplanned alternative route through a transit zone. (column 11 lines 33-50).

Routing the preplanned alternative route (route 2) through a transit zone (DACS III-200 107-2 is in a transit zone) and since route 2 goes through DACS III-2000 107-2.

18. As per claim 19, Arslan teaches computer system of claim 18 wherein the computer code is further configured to cause the processor to:

- request new paths to be established between zone. (Column 14 lines 58-61).

When restoration processor checks DACS II 110-2 for an available digroup and channel to connect back to DACS IV-2000 109-3 via link 113-4, it is referring to new path (link 113-4) between zone (since DACS IV and DACS II belong in different zone).

19. As per claim 20-21,23-24, Arslan teaches computer system of claim 19 wherein the alternative route is based on class of service requirements (column 11 lines 53-68).

It is unclear to the examiner what the applicant means by "alternative route based on class of service requirements." The examiner's interpretation towards "class of service requirements" is that it checks for the possible available alternative route when the link failure occurs. It picks the best alternative route based on the cost of the going through the particular route. For example if the cost of going to through Route 1 is more than Route 2 then the alternate route would be Route 2 since the cost is less than

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of Route 1. Therefore, the following claim is rejected under this basis. (column 11 lines 53-68).

20. As per claim 22, Arslan teaches the computer system of claim 17 wherein the computer code is further configured to cause the processor to:

-establish new paths(column 15 line 8) to be established between zones.(column 15 lines 8-15).

21. As per claims 25, it recites the same limitation as claim 1.

22. As per claims 26, it recites the same limitation as claim 2.

23. As per claims 27, it recites the same limitation as claim 3.

24. As per claims 28-29,31-32, it recites the same limitation as claim 4-5,7-8.

25. As per claims 30, it recites the same limitation as claim 6.

26. As per claims 33, it recites the same limitation as claim 17.

27. As per claims 34, it recites the same limitation as claim 18.

28. As per claims 35, it recites the same limitation as claim 19.

29. As per claims 36-37,39-40 it recites the same limitation as claim 20-21,23-24.

30. As per claims 38, it recites the same limitation as claim 22.

Conclusion

31. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

32. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond

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within the period for response will result in **ABANDONMENT** of the applicant
(see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

33.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A Patel whose telephone number is 703-305-0457. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 703-305-6687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAP


FRANTZ B. JEAN
PRIMARY EXAMINER